

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, DECEMBER 3 AND 4, 2012
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

REPORTING THE RESULTS OF THE CLOSED SESSION MEETING

Only items that can be disclosed are reported out in the Open Session of the regular City Council Meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. Assistant City Attorney Mary Jo Lanza fame reports the results of the Closed Session Meeting of December 3 - 4, 2012, as follows:

CLOSED SESSION MEETING FOR MONDAY, DECEMBER 3, 2012

The Closed Session Items were heard at the Closed Session Meeting on Tuesday, December 4, 2012, at 9:00 a.m.

CLOSED SESSION MEETING FOR TUESDAY, DECEMBER 4, 2012, AT 9:00 A.M.

(The Closed Session Meeting started at 9:00 a.m. and was continued to 11:00 a.m.)

ROLL CALL:

Present: Mayor Filner, Council President Gloria, Council President Pro Tem Faulconer, and Councilmembers Lightner, Young, Kersey, Zapf, Sherman, Alvarez, and Emerald

Absent: All Present

CLOSED SESSION ITEMS FOR THE 9:00 A.M. SESSION:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *Academy of Our Lady of Peace v. City of San Diego*
U.S. District Court Case No. 09CV0962 CAB (MDD)

DCA Assigned: C. Brock

Motion: Authorize the City Attorney to appeal jury verdict
Moved: Councilmember Lightner – Dist. 1
Seconded: Councilmember Emerald – Dist. 9
Vote: Passed Unanimously 9 to 0
Report: This item was reported out by Chief Deputy City Attorney
Leslie FitzGerald on Tuesday, December 4, 2012, at 5:40 p.m.

The City Council voted on Closed Session Item No. CS-1, *Academy of Our Lady of Peace v. City of San Diego*, U.S. District Court Case No. 09CV0962 CAB (MDD), to authorize the City Attorney to appeal the jury verdict. In this matter, the Academy sued the City claiming the City violated its rights under the federal Religious Land Use and Institutionalized Persons Act (RLUIPA).

The motion passed 9 to 0.

Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9 (c):

CS-2 Number of Cases: One

This item was continued from the Closed Session Meeting of October 16, 2012.

Report: Nothing to report.

CLOSED SESSION MEETING FOR TUESDAY, DECEMBER 4, 2012, AT 11:00 A.M.
(The Closed Session Meeting started at 9:00 a.m. and was continued to 11:00 a.m.)

ROLL CALL:

Present: Mayor Filner, Council President Gloria, Council President Pro Tem
Faulconer, and Councilmembers Lightner, Young, Kersey, Zapf, Sherman,
Alvarez, and Emerald

Absent: All Present

CLOSED SESSION ITEMS FOR THE 11:00 A.M. SESSION:

CS-3 Number of Cases: Unknown at this time

Motion: Authorize the City Attorney to initiate litigation.
Moved: Council President Pro Tem Faulconer – Dist. 2
Seconded: Councilmember Alvarez – Dist. 8
Vote: Passed unanimously 9 to 0.
Report: This item was reported out by Chief Deputy City Attorney
Leslie FitzGerald on Tuesday, December 4, 2012, at 5:40 p.m.

The City Council voted on Closed Session Item No. 3, to initiate litigation. Once litigation is formally commenced, the action, the defendants, and other particulars will be disclosed to any person upon inquiry unless to do so would jeopardize effective service of process or settlement negotiations.

The motion passed 9 to 0.

REPORTED BY: /s/ Mary Jo Lanza fame
Mary Jo Lanza fame
Assistant City Attorney